

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF BRIGHTON-ALLSTON ELDERLY HOMES, INC. FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO M.G.L., C.180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CHARITABLE CORPORATION UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 1:30 p.m. on April 17, 1980 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated March 21, 1980, (hereinafter called the "Application"), filed by Brighton-Allston Elderly Homes, Inc. for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended. (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on April 7, 1980, and April 14, 1980 in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. James G. Colbert, Joseph J. Walsh, and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The Project Area consists of a parcel of land located at the intersection of Holton Street and Everett Street in the Allston section of Boston. A full metes and bounds description can be found in Exhibit A to the Application.

The Project for which the Authority's authorization and approval is sought consists of the purchase by the Applicant of the Project Area from the Roman Catholic Archbishop of Boston, the rehabilitation of the structure presently existing thereon and the construction of an addition thereto, all in accordance with the drawings submitted as Exhibit H and specifications submitted as Exhibit I, to the Application.

The Applicant proposes to commence the Project within one (1) month after approval of the Project of issuance of a firm financing commitment by the U.S. Department of Housing and Urban Development, whichever is later, and to complete the Project in accordance with the site plans and drawings contained in the approved Application within eighteen (18) months after commencement unless prevented or delayed by circumstances not reasonably within its control.

The Project will comprise a single existing building consisting of the two-and-one-half story renovated convent and a six-story, newly constructed addition thereto which together will contain eighty (80) dwelling units for elderly and handicapped persons as follows: two (2) efficiency units; seventy-three (73) one-bedroom units; and four (4) two-bedroom units. The existing building will contain fourteen (14) dwelling units, and sixty-six (66) dwelling units will be contained in the new addition. The Project will contain no commercial space.

Tenant amenities will include a card room, a library, a recreation room, and a combination meeting and dining room with an adjacent kitchen. Parking spaces for sixteen (16) automobiles will be available immediately outside the Project Area on property which has been leased to the Applicant on a long-term basis by the abutting owner. Guest parking will be available on the circular drive in front of the main entrance. All of the eighty (80) dwelling units which will constitute the Project upon completion will provide housing for low-and moderate-income elderly and handicapped persons by virtue of a commitment by the United States Department of Housing and Urban Development to provide rental subsidy funds to the Applicant for all eighty (80) dwelling units. The Project will be constructed, operated, and maintained in accordance with the applicable laws and regulations governing non-profit projects for the elderly and handicapped financed by the United States Department of Housing and Urban Development pursuant to Section 202 of the Housing Act of 1959, as amended, as long as a loan from the United States Department of Housing and Urban Development is outstanding on the Project.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, decadent and substandard area of a decent, safe, and sanitary housing for the elderly and handicapped.

The Project Area has not been, nor is it, part of a larger area which has been declared under Chapter 121A or 121B of the General Laws to be a blighted, open, decadent, or substandard area. In the opinion of the Applicant, the Project Area is presently a blighted decadent and substandard area as defined in Chapter 121A and is presently detrimental to the safety, health, morals, welfare, and sound growth of the community for the following reasons:

The Project Area is detrimental to the sound growth of the community by reason of its cost to the city. Presently, the Project Area is owned by the Roman Catholic Archbishop of Boston, a corporation sole, and pays no real estate taxes;

The building presently within the Project Area is out of repair, physically deteriorated, unfit for human habitation, and in need of major maintenance or repair. The interior of the building is obsolete and intended for specialized use, i.e., a convent. That previous use has ceased and the building is presently unoccupied.

Being unoccupied for over eight months, vandalism has already occurred and can be expected to continue until destruction of the

building is complete. Due to its design as a convent and the existence of adjacent industrial uses, it is improbable that the area will be redeveloped by the ordinary operations of private enterprise.

The Applicant believes that the Project is in the best interests of the public and is not in any way detrimental to the public safety and convenience, nor is it inconsistent with the suitable development of the Allston neighborhood or of the City of Boston. The proximity of Allston to a number of educational institutions in Boston and Cambridge causes many students and other transients to compete with residents for available housing. When groups of such individuals combine their incomes and seek out available apartments, their ability to pay higher rents tends to escalate the cost of available housing beyond the means of indigenous elderly and handicapped persons.

In addition the impact which the student population has upon housing availability and rental levels in Allston, the Applicant has been informed by the pastor of St. Anthony's Church and other community representatives that a number of elderly couples and individuals are living in houses that are too large for their needs and too expensive to maintain. Many of these persons have lived their entire lives in Allston and desire to remain but can no longer afford to maintain their present homes. In nearly all cases, the income of these persons has declined, and they are eligible for low- and moderate-income housing. Such housing can only be made available

with rental subsidies such as the Applicant has obtained for the proposed Project.

The Site would not be developed without the real estate taxes being limited to a percentage of the project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A

For these reasons it is found that the Project Area is a blighted, decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The Project is being financed under Section 202 of the Housing Act of 1959 as amended.

The most recent minimal cost of the Project established by the United States Department of Housing and Urban Development was three million one hundred six thousand seven hundred eighty-eight (3,106,788) dollars. Due to inflation, the Applicant expects that this estimate will have risen by at least five hundred thousand (\$500,000) dollars by the time of the loan closing. The Applicant will execute a note in the amount finally established by the United States Department of Housing and Urban Development as the amount necessary to cover the entire replacement (construction) cost of the Project.

Brighton-Allston Elderly Homes, Inc., has been advanced such working capital by the Planning Office for Urban Affairs as is required to bring the Project to a loan closing, at which time the Planning Office for Urban Affairs will be reimbursed for these services. Funds advanced by the Planning Office are unsecured loans and will be repaid only if money is available from the federal loan. The Applicant has borrowed no other funds nor is any additional financing contemplated.

The only persons natural or corporate, who prior to completion of the project, have or will have, directly or indirectly any beneficial interest in the project are as follows:

Brighton-Allston Elderly Homes, Inc.
John J. Moynihan
Robert E. O'Brien
Eugene P. McNamara
United States Department of Housing and Urban
Development

Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and

uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated and constructed on the Project Site have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and will furnish attractive and necessary landscaping and provide much needed handicapped and elderly housing in the Brighton Allston neighborhood. The Project will have a postiiive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32 (3) (h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases

of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting of interior or exterior surfaces, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, G.L. c.138.

J. Zoning Code Deviations. Exhibit C to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant requests an extension of twenty five (25) years to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above, including but not limited to the continued maintenance of sixteen (16) parking spaces for the exclusive use of the Project, for the life of the Project, as set forth in the Application or otherwise as submitted and approved by the Authority.

EXHIBIT 2A

STATEMENT OF PERMISSIONS REQUIRED FOR PROJECT TO DEVIATE FROM ZONING LAWS

The following is a statement of all permissions which so far as known to the Applicant will be required for the Project to deviate from zoning, health and fire laws, codes, ordinances and regulations in effect in the City of Boston.

ZONING

The Project Area is located in an M-1 zoning district. Multi-family dwellings are a conditional use in an M-1 zoning district. The maximum Floor Area Ratio in an M-1 zoning district is 1.0. The Floor Area Ratio for the proposed Project will be 1.5.

The maximum height of buildings in an M-1 zoning district is 35 feet. The maximum height of the proposed building in the Project Area is 54 feet.

Elderly, multi-family housing developments require a parking ratio of .2 which equals sixteen (16) spaces for the proposed Project. There are no off-street parking spaces for residents within the Project Area.*

So far as known to the Applicant, the Project is in full conformity with the State Building Code of the Commonwealth of Massachusetts, and no requests for variances will be submitted to the State Building Code Appeals Board.

*As stated in the application and as shown on the plans, the Applicant proposes to provide parking spaces for sixteen (16) automobiles on property which has been leased to the Applicant on a long-term basis by the owner of land immediately adjacent to the Project Area. Open, off-street parking on an adjacent lot to the lot comprising the Project Area is an ancillary use which is a conditional use in an M-1 zoning district. If the Authority approves the application, the Applicant will seek a Conditional Use Permit from the Board of Appeals.

May 1, 1980

MEMORANDUM

3933

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION
OF BRIGHTON-ALLSTON ELDERLY HOMES, INC.

On April 17, 1980, the Authority conducted a public hearing with respect to the above-captioned Application.

The Project consists of the acquisition of the Project Area, rehabilitation, construction, operation and maintenance of eighty (80) dwelling units for the handicapped and elderly.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on The Application of Brighton-Allston Elderly Homes, Inc., for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, As Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Charitable Corporation Organized Pursuant to M.G.L., C. 180 and Approval to Act as an Urban Redevelopment Charitable Corporation Under said Chapter 121A" be and hereby is approved and adopted.

